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54/11/22 Defense quizzes Schottke on tooth chips

Cleveland News

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Defense Quizzes Schottke on Tooth Chips

Detective Robert F. Schottke was cross-examined by Defense Attorney Fred W. Garmone as the trial was resumed this morning after a weekend recess.

Q.—The chips of the teeth were first seen on the bed after removal of the body of Marilyn Sheppard.

A.—Yes, sir.

Q.—Who found the teeth.

A.—Dr. Gerber and myself.

Q.—When that took place wasn't this statement 'we found the teeth of the murderer' made?

A.—I don't recall such a statement.

Q.—Wasn't that statement made by Dr. Gerber?

A.—Not that I heard.

Q.—It was after the discussion about the teeth that you went to the hospital and talked to Dr. Sam Sheppard?

A.—Later that afternoon.

Q.—You had other talks with him after July 4?

Spoke With Accused July 31

A.—Yes, on July 31, on the fourth floor of County Jail, Deputy Sheriff Rossbach's room.

Q.—During that conversation, you asked him about the lie detector again?

A.—I don't recall whether it was at that time or at a later time.

Q.—Didn't you say to him: 'Doctor, are you still willing to take the lie detector test'?

A.—I don't recall.

Q.—Did he say I am willing, but not one taken by the Cleveland Police Department. You have already accused me.

A.—I don't recall.

Q.—Did he say he would be willing to go to any community far removed from the city of Cleveland where they have capable people to give the lie detector?

A.—I don't recall.

Q.—You wouldn't say that conversation did not take place?

A.—I don't recall.

Q.—How long did you talk to Dr. Sam Sheppard before you say you were interrupted by Mr. Corrigan?

A.—About 20 to 30 minutes.

Q.—On this occasion did you talk to Dr. Sam about various degrees of homicide?

A.—It could have been.

Denies Manslaughter Idea

Q.—Did you say to him if you give us a confession the charge would be manslaughter?

A.—No. We can't do that.

Q.—Did he say that would be a confession of an innocent man?

A.—No, he didn't.

Q.—Did you see some golf clubs at the Sheppard home that day?

A.—I believe there were.

Q.—Where was it you first saw the golf clubs?

A.—In a bag at the Sheppard home.

Q.—When were the golf clubs

brought down to the ballistics department?

A.—I don't know.

Didn't Notice Blood

Q.—Now then, when you went in to see Dr. Sam on the second visit July 4, when you had the 20-minute conversation, did you notice blood around his mouth?

A.—I did not.

Q.—Now on July 31 you spent four hours with the exception of the 10-minute interruption by Mr. Corrigan, didn't you?

A.—That's about right.

The witness then said he spent three hours questioning Dr. Sam on Aug. 1 and was relieved by two other detectives. He said he spent 45 minutes Aug. 3 and did not have a relief team follow him.

Q.—Now one more question, officer. You testified you asked Sam whether he committed the crime. On which occasion was that on the fourth?

A.—At one time or another we asked that. On July 4, it was on our second visit.

Q.—You quoted him as saying 'Don't be ridiculous.' Didn't he say: 'My God, don't be ridiculous'?

Assistant County Prosecutor Thomas J. Parrino took over re-direct questioning of Schottke and asked the detective to relate the conversations he and his partner had with Dr. Sam at the County Jail on the three days they visited him.

A.—On July 31, we had conversation with him regarding Susan Hayes. We told him the reasons why, in our opinion, he had killed his wife. And he said yes, he had lied about Susan Hayes. He did stay with her at Dr. Miller's and he did give her a wrist watch.

He said his wife told him to see Susan while he was in Los Angeles and to have a good time.

He said he told his wife about Susan so someone else would not tell her first.

We asked him if he told his wife about other women and he said, "yes." He said he always told her about other women because he did not want her to get the wrong impression if someone else told her.

Q.—On July 31 and the following dates, did you question him about events of July 3 and July 4?

A.—Yes, he stated he refused to answer on the advice of his attorney.

Q.—After the statement of July 10 was completed, when Mr. (Attorney Arthur) Petersilge and Sam Sheppard were ready to leave, what was said and who was there?

A.—Dr. Sam, Petersilge, Gareau, Rossbach, you and myself.

Didn't Want Lie Test

Q.—At that time you asked Dr. Sam Sheppard if he would be willing to take a lie detector test.

What was his answer?

A.—Dr. Sam said he would not. Garmone then took over the questioning of Schottke.

Q.—Does that appear in the nine-page statement?

A.—No, it does not.

Q.—The time you spent talking two hours to Dr. Sam, you didn't mention the lie detector test, did you?

A.—I don't recall.

Q.—In response to one of the questions, you said that on July 31, he refused to talk about the events of July 3 and 4?

A.—Yes sir.

Q.—Did he say to you you weren't fair?

A.—He didn't say anything like that.

Q.—Did he say you were unfair?

A.—He didn't say anything like that, either.

Conversation Not Recorded

Q.—In the conversation of Aug. 1, did you ever make a record of those conversations?

A.—No sir.

Q.—Do you remember the imprint of a woman's foot on the beach?

A.—Yes sir. To the best of my knowledge.

Q.—Was your attention called to some other footprints on the beach?

A.—Yes sir, near the woman's.

Q.—Did you do anything about it?

A.—No sir.

Q.—That is not good police work, is it?

(Objection sustained)

Q.—Your failure to do anything about the footprints you saw in the vicinity of the Sheppard home on July 4. Didn't that make you fearful you would have to retract your statement you made to Sam Sheppard that he had killed his wife?

A.—No sir, that had nothing to do with it.

Q.—Why didn't you do something about it.

A.—There was something done.

Q.—By yourself?

A.—No.

Q.—Was there an arrangement made by Capt. Kerr, head of the unit you are connected with, that when Dr. Sam is arrested there would be detective teams that would work around the clock in an effort to make a confession?

A.—No sir.

Parrino then asked the witness:

Q.—What time did you see the footprint on the beach that Mr. Garmone talks about?

A.—It was about 10:15.

Garmone took over the questioning again.

Brings Police Report

Q.—I asked you on Friday about your police report. Have you that report with you?

A.—Yes sir.

Parrino then injected: "Mr. Garmone well knows that certain

police reports are confidential and defense counsel are not entitled to them. But in this case you may see this report."

Q.—Is it a complete report?

A.—It is not a complete investigating report of things we did that day.

Q.—Is it a partial report?

A.—Yes, sir.

Q.—On Friday, July 19, in The Cleveland News did you see your complete report in detail?

A.—No sir, I did not.

Q.—If I would show you The News of that date, would you be able to state that it was your report?

A.—Could be possible.

Cites The News' Exclusive

Q.—If this report is so secret, how come The News can print it exclusively and the jury can have it to read?

The state objected on the ground the witness testified it was not a complete report. Objection was sustained.

Garmone then addressed the court.

"I am through with this witness until I have read this report in The News and compared it with the police report."

"Wait a minute, Fred," Corrigan said.

Parrino offered into evidence as states exhibits the green bag, Dr. Sam's watch, key chain and ring. Judge Blythin said: "Are we through with Mr. Schottke except for the police report?"

Corrigan said: "Wait a minute!" and held up his hand.

The witness was then shown the copy of the police report printed exclusively in The News Aug. 2.

Q.—Now, there's more in that News article than in the reports you gave to us?

A.—Yes, sir.

Q.—Were you responsible for the release of this report to the newspaper?

A.—I was not.

The witness said the two reports now in the possession of defense were reports he had reduced to writing July 7, regarding the two conversations he had with Dr. Sheppard July 4. Garmone asked whether Dr. Sheppard was shown the reports. Schottke said Dr. Sheppard was

not shown the reports.

Schottke admitted, however, the answers given by Dr. Sam were from the witness's best recollection of the conversation. They were not dictated, he said.

Parrino then offered in evidence Schottke's reports. Corrigan, Garmone and Petersilge also demanded the report published in The News be entered in evidence.

Judge Blythin deferred a ruling on the matter after Schottke testified the report, although it bore his and Gareau's names, was prepared by Gareau.

Judge Blythin then ordered a recess.